



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,006	12/29/2000	Joseph A. Bennett	42390.P9942	9847

7590

05/05/2004

John P. Ward  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER

LE, DIEU MINH T

ART UNIT

PAPER NUMBER

2114

DATE MAILED: 05/05/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

58

## Office Action Summary

Application No.

09/753,006

Applicant(s)

BENNETT, JOSEPH A.

Examiner

Dieu-Minh Le

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13, 15-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Office Action is in response to the amendment filed February 17, 2004 in application 09/753,006.

2. Claims 1, 3-13, and 15-16 are again presented for examination, claims 2 and 14 have been canceled.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 3-13, and 15-16 are again rejected under 35 U.S.C. § 102(b) as being unpatentable Egan et al. (US Patent 5,875,308 hereafter referred to as Egan).

This rejection is being applied for the same reasons set forth in the previous Office Action paper number 4, paragraph 2 mailed August 14, 2003.

As per claims 1, 3-13, see the previous office action for the teaching of Egan.

As per claims 1 and 13, applicant added limitation of claim 2 to claim 1 and claim 14 to claim 13. However, Egan explicitly teaches:

Art Unit: 2114

- a bus bridge device to disconnect the internal logic unit from the bus in response to an assertion of the fault signal [col. 3, lines 47-60 and col. 4, lines 1-10];
- a bus bridge device to assert an interrupt signal in response to the assertion of the fault signal [col. 4, lines 18-37];
- the bus bridge device to assert an error signal in response to the assertion of the fault signal (i.e., bus bridge power monitoring input/notification) [col. 4, lines 38-53].

Applicant asserts that Egan failed to teach or suggest the following:

- a. disconnecting an internal logic unit in a bus bridge from a bus in response to a power fault signal assertion.

Examiner respectfully transverses Applicant's argument as follows:

- a. First, it is not true that Egan failed to teach, "disconnecting an internal logic unit in a bus bridge from a bus in response to a power fault signal assert."

Art Unit: 2114

Examiner would like to bring Applicant attention to Egan's an enhanced peripheral component interconnect architecture having hot-plugging (e.g., bridge) capability for a data processing system [col. 2, lines 15-16]. Egan explicitly demonstrated and disclosed capabilities of:

- PCI bus [fig. 1, col. 2, line 61 and col. 3, line 2];
- a bus including power line [col. 2, lines 17-27];
- a bus bridge device including an internal logic unit [col. 3, lines 1-11 and lines 47-60] and;
- a power regulator to delivery power to the power lines [col. 3, lines 66 through col. 4, lines 17 and col. 4, lines 60 through col. 5, lines 2];
- the power regulator [col. 3, lines 66 through col. 4, lines 17 and col. 4, lines 60 through col. 5, lines 2] to assert a fault signal to the bus bridge device if a power fault is detected [col. 3, line 59].

*In addition, Egan explicitly disclosed the PCI hot-plug bridge removed from the power and other devices due to a failure or excessive power [col. 5, lines 1-15]. Egan also demonstrated adapter card removed from the desired adapter slot due to power off [col. 5, lines 29-37].*

Art Unit: 2114

This is clearly shown that Egan's enhanced peripheral component interconnect (PCI) architecture for a data processing system does illustrate, demonstrate, and teach capabilities corresponded to Applicant's invention.

Second, it is inherent that once the power failure signal detected, the internal logic circuit would be disconnected in protecting any damage to its devices, and other related connected to the device. This argument (i.e., Applicant's limitation) is a moot point to any computing or communicating connectivity.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2114

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (703) 305-9408. The examiner can normally be reached on Monday-Thursday from 8:30 AM to 6:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703)305-9713. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'D. Le', with a stylized flourish at the end.

**DIEU-MINH THAI LE  
PRIMARY EXAMINER  
ART UNIT 2114**

DML  
5/2/04